



On the Prosecutor's Office

Unofficial translation

Constitutional Law of the Republic of Kazakhstan dated November 5, 2022 No. 155-VII LRK

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This Constitutional Law shall determine the competence, organization, and procedure for the activities of the Prosecutor's office of the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS

Article 1. Purpose of the Prosecutor's office

The Prosecutor's office, on behalf of the state, within the limits and forms established by the law shall carry out supreme supervision over the observance of legality on the territory of the Republic of Kazakhstan, represent the interests of the state in court, and, on behalf of the state, carry out criminal prosecution.

Article 2. Legal basis for the activities of the Prosecutor's office

The legal basis for the activities of the Prosecutor's office bodies shall be the Constitution of the Republic of Kazakhstan, this Constitutional Law, international treaties ratified by the Republic of Kazakhstan, and other regulatory legal acts of the Republic of Kazakhstan.

Article 3. Principles of organization and activities of the Prosecutor's office bodies

1. The Prosecutor's office shall carry out its powers on the principles of legality, independence from other state bodies and officials, accountability only to the President of the Republic of Kazakhstan, and publicity.

2. Any interference in the activities of the Prosecutor's office bodies in the exercise of their functions and powers shall be prohibited.

3. The Prosecutor's office shall not be entitled to interfere in the activities of business entities, organizations, and state bodies, appoint inspections of their activities, request information or documents on grounds not provided for by the law.

4. Bodies of the Prosecutor's office shall act publicly to the extent that it does not contradict the requirements of the laws of the Republic of Kazakhstan regarding the protection of human and civil rights and freedoms, the protection of state secrets, and other secrets protected by law.

Article 4. Goals and objectives of the Prosecutor's office

In order to protect a person, his/her life, rights, and freedoms as the highest values of the state, to ensure legality on the territory of the Republic of Kazakhstan, the Prosecutor's office shall perform the following objectives:

- 1) protection and restoration of violated rights and freedoms of a man and a citizen, legally protected interests of legal entities, society, and the state;
- 2) identification and elimination of violations of the law, the causes and conditions contributing to them, as well as their consequences;
- 3) coordination of the activities of law enforcement and other state bodies to ensure legality, law and order, and the fight against crime;
- 4) other objectives determined by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Chapter 2. SYSTEM AND COMPETENCE OF THE PROSECUTOR'S OFFICE BODIES

Article 5. The system of bodies of the Prosecutor's Office

1. A unified centralized system of prosecution bodies shall be formed by the Prosecutor General's Office of the Republic of Kazakhstan, departments subordinate to it, education organizations, military and transport prosecutor's offices bodies, prosecutor's offices of oblasts and prosecutor's offices equated to them (cities of republican scale and the capital), district and equated to them (urban, interdistrict, and also specialized) prosecutor's offices.

By the decision of the President of the Republic of Kazakhstan, other Prosecutor's office bodies may be formed that are not provided for by part one of this paragraph.

2. The activities of the Prosecutor's office shall be carried out on the basis of subordination of inferior prosecutors to superior ones and the Prosecutor General.

The subordination of prosecutors includes:

- 1) obligatory execution of instructions of superior prosecutors on the organization of work and activities for inferior prosecutor's offices;
- 2) the responsibility of inferior prosecutors to superior prosecutors for the performance of their official duties;
- 3) exercise by superior prosecutors, if necessary, of the powers of inferior prosecutors;
- 4) the cancellation, revocation, suspension, or amendment of acts of inferior prosecutors by superior prosecutors;
- 5) resolution by superior prosecutors of complaints against decisions, actions (inaction), and acts of inferior prosecutors.

3. The Prosecutor General may establish other forms of subordination of inferior prosecutors in the manner prescribed by this Constitutional Law.

4. When exercising supervision, the prosecution bodies shall not replace the functions of other state bodies.

5. Formation, reorganization, and liquidation of the department, institutions, organization of education of the prosecutor's office, and determination of their status and competence shall be carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

6. To ensure the activities of the prosecution bodies, other organizations may be formed in accordance with the legislation of the Republic of Kazakhstan.

7. The prosecution bodies have their own symbols, the description of which shall be approved by the Prosecutor General.

Footnote. Article 5 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 6. Competence of the Prosecutor's office bodies

The bodies of the Prosecutor's office, within the limits of the assigned tasks, shall carry out:

1) in accordance with the Constitution of the Republic of Kazakhstan, this Constitutional Law and other laws of the Republic of Kazakhstan, the supreme supervision over the legality of:

activities of the state, local representative and executive bodies, local self-government bodies, institutions, their officials, and other organizations, regardless of their form of ownership, as well as acts and decisions adopted by them;

proceedings on cases of administrative offenses;

the pre-trial investigation, criminal prosecution, operational search, and counterintelligence activities;

enforcement proceedings;

judicial acts that have entered into force;

execution of criminal penalties and application of other measures of state coercion;

state legal statistics and special accounts;

compliance with the international obligations of the Republic of Kazakhstan;

2) representation of the interests of the state in court;

3) criminal prosecution;

3-1) activities to identify and recover illegally acquired assets to the state (hereinafter referred to as asset recovery);

4) international cooperation in the criminal law sphere, representation of the interests of the state in the competent bodies of foreign states and international organizations on criminal prosecution, in foreign and international courts (arbitrations) on the issues within the competence of the Prosecutor's office, the conclusion of international treaties, coordination of draft international treaties in the criminal law sphere;

5) participation in rule-making activities;

6) other competence provided for by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 7. General Prosecutor's Office

1. General Prosecutor's office is headed by the Prosecutor General.
2. General Prosecutor's office shall:
 - 1) organize and coordinate the activities of the prosecution bodies within the limits of functions and powers assigned to them in order to ensure the effective performance of functions of the prosecution bodies;
 - 2) analyze the practice of supervision over the application of laws, and the state of legality, including using the information contained in information systems integrated with the information exchange system of law enforcement, special state, and other bodies;
 - 3) improve the activities of the Prosecutor's office;
 - 4) participate in rule-making activities;
 - 5) represent the state's interests in the competent authorities of foreign states and international organizations on criminal prosecution issues, asset recovery, in foreign and international courts (arbitrations) on issues within the competence of the prosecutor's office, conclude international treaties, coordinate draft international treaties in the criminal law and in the asset recovery area;
 - 6) interact with bodies carrying out the operational search, counter-intelligence activities, and pre-trial investigation, including covert investigative actions, within the limits established by the legislation of the Republic of Kazakhstan;
 - 7) exercise other powers provided for by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 8. Prosecutor General and his/her deputies

1. Prosecutor General shall:
 - 1) be appointed to the position by the President of the Republic of Kazakhstan with the consent of the Senate of the Parliament of the Republic of Kazakhstan for a period of five years;
 - 2) be dismissed from office by the President of the Republic of Kazakhstan;
 - 3) be accountable to the President of the Republic of Kazakhstan;
 - 4) during the term of his/her powers, not be detained, subjected to detention, house arrest, drive, administrative penalties imposed in court, brought to criminal liability without the consent of the Senate of the Parliament of the Republic of Kazakhstan, except for cases of detention at the scene of a crime or committing grave and especially grave crimes.
2. The Prosecutor General has a first deputy and deputies.
3. The first deputy and deputies of the Prosecutor General shall be appointed and dismissed by the President of the Republic of Kazakhstan.

Article 9. Powers of the Prosecutor General

Prosecutor General shall:

- 1) carry out supreme supervision over compliance with legality on the territory of the Republic of Kazakhstan within the limits and forms established by law;
- 2) manage the activities of the entire system of the Prosecutor's office bodies;
- 3) make proposals to the President of the Republic of Kazakhstan on the approval of the regulation on the General Prosecutor's office, its structure, and the total staffing of the Prosecutor's office;
- 4) establish the staffing of prosecutors and other employees of the Prosecutor's office bodies within the limit of the total staffing of the Prosecutor's office, approved by the President of the Republic of Kazakhstan;
- 5) bring in proposals to the President of the Republic of Kazakhstan on the appointment and dismissal of the heads of the prosecutor's office departments;
- 6) appoint and dismiss the head of the educational organization, the Chief Military Prosecutor, the Chief Transport Prosecutor, regional prosecutors, and prosecutors equivalent to them (prosecutors of cities of republican significance and the capital) with the consent of the President of the Republic of Kazakhstan;
- 7) nominate prosecutors and other employees, and pensioners of the Prosecutor's office for awarding state awards of the Republic of Kazakhstan and conferring honorary titles, award them with departmental awards;
- 8) report to the President of the Republic of Kazakhstan on the state of legality in the country and the activities of the Prosecutor's office;
- 9) be the chairman of the Coordinating Council of the Republic of Kazakhstan for ensuring the legality, law and order, and combating crime;
- 10) approve regulations on coordinating councils formed under the chief military and transport prosecutor's offices, prosecutor's offices of regions and equivalent prosecutor's offices (prosecutor's offices of cities of republican significance and the capital);
- 11) determine officials in the system of the Prosecutor's office, to whom delegates their own powers, with the exception of the powers of the Prosecutor General, directly provided for by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan;
- 12) form a collegium and consultative-advisory bodies of the Prosecutor General's Office, determine their members and rules of work;
- 13) approve the structures of departments, educational organizations, military and transport prosecutor's offices bodies, prosecutor's offices of oblasts and prosecutor's offices equated to them (cities of republican scale and the capital), district and equivalent to them (city, interdistrict, and also specialized) prosecutor's offices, as well as state institutions and other subordinate organizations included in the prosecution bodies system;

14) approve the regulations (charters) of state institutions and educational organizations of the system of prosecution bodies, with the exception of provisions approved by the President of the Republic of Kazakhstan;

15) issue orders, instructions binding on all prosecutors and other employees, approve provisions, instructions, regulations, and other legal acts regulating the issues of organization and activities of the Prosecutor's office;

16) apply to the Constitutional Court of the Republic of Kazakhstan in accordance with paragraph 4 of Article 72 of the Constitution of the Republic of Kazakhstan;

17) protest judicial acts that have entered into force and contradict the Constitution of the Republic of Kazakhstan, the laws of the Republic of Kazakhstan if there are grounds;

18) apply to the Supreme Court of the Republic of Kazakhstan with a proposal to give clarifications to the courts on issues of judicial practice in civil, criminal, administrative cases, and cases of administrative offenses;

19) suspend the execution of a judicial act in the manner prescribed by the procedural legislation of the Republic of Kazakhstan;

20) make a presentation on the issues of deprivation of immunity and bringing to administrative, criminal liability of persons who have this right in accordance with the Constitution of the Republic of Kazakhstan and the laws of the Republic of Kazakhstan;

21) coordinate regulatory legal acts on the issues of pre-trial investigation, operational search, counterintelligence activities, and covert investigative actions in cases stipulated by the laws of the Republic of Kazakhstan;

22) adopt regulatory legal acts on the following issues:

consideration of applications and personal reception of individuals and representatives of legal entities in the Prosecutor's office to the extent not regulated by the legislation of the Republic of Kazakhstan on administrative procedures and the legislation of the Republic of Kazakhstan on administrative proceedings;

conducting an audit of compliance with legality, analysis of the state of law, and assessment of acts that have entered into force, carried out by the Prosecutor's office bodies;

organization of pre-trial investigation in the Prosecutor's office;

application of the norms of the criminal procedural legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on operational-investigative activities;

state legal statistics and special accounting;

determining the procedure for the formation, access, use, storage, and protection and destruction of information from the information exchange system of law enforcement, special state and other bodies;

appointments and dismissals of prosecutors and other employees, with the exception of positions appointed by the President of the Republic of Kazakhstan and (or) in agreement with him, as well as with the Administration of the President of the Republic of Kazakhstan;

payment of monetary allowances, benefits and other payments;
determining the procedure for conducting interdepartmental scientific research in the field of law enforcement, their coordination and monitoring;

determining the procedure for admission to training in the educational organization of the Prosecutor's office;

23) adopt other regulatory legal acts in accordance with this Constitutional Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan;

24) exercise other powers provided for by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 10. Powers of the Prosecutor

1. The prosecutor, in accordance with his/her competence shall have the right to:

1) check compliance with legality, analyze the state of law, and assess the acts that have entered into force;

1-1) check the legality of the sources of acquisition (origin) of an asset, monitor and analyze information to counter illegal acquisition, withdrawal and recovery of assets;

2) submit, in the manner determined by this Constitutional Law and other laws of the Republic of Kazakhstan, as well as the Prosecutor General, acts of the prosecutor's office;

3) protest legal acts of the Government, other state, local representative and executive bodies, local self-government bodies, institutions, and their officials that contradict the Constitution of the Republic of Kazakhstan, the laws of the Republic of Kazakhstan, and acts of the President of the Republic of Kazakhstan within the limits established by the laws of the Republic of Kazakhstan;

4) protest acts of organizations that contradict the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan, and acts of the President of the Republic of Kazakhstan, regardless of the form of ownership, if these acts concern persons who, due to physiological characteristics, mental abnormalities and other circumstances, cannot independently protect their rights, minors, as well as an unlimited range of persons, within the limits established by the laws of the Republic of Kazakhstan;

5) demand the immediate cancellation of measures of a prohibitive or restrictive nature, the suspension in full or in part of the operation of an illegal act if there are grounds and in the manner prescribed by the law of the Republic of Kazakhstan;

6) appoint expert examinations, require the authorized bodies to conduct inspections on materials and appeals held by the prosecutor's office, and oblige them to report their results;

7) involve specialists of other bodies and organizations to participate in the inspection of compliance with the legality and giving an opinion;

8) involve employees of other law enforcement agencies in the implementation of the inspection of compliance with the legality to ensure security and supervisory activities in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan;

9) call and receive explanations from officials, individuals, and representatives of legal entities on the ongoing inspection of compliance with the legality, analysis of the state of legality, assessment of acts that have entered into force, and the appeal under consideration;

10) request and receive information, materials, and documents, as well as civil, administrative, criminal cases, cases of administrative offenses, enforcement proceedings on the issues of the ongoing inspection of compliance with the legality, analysis of the state of legality, assessment of acts that have entered into force, as well as consideration of the appeal in compliance with the procedure established by the legislation of the Republic of Kazakhstan ;

11) obtain access to information, data, and documents, criminal, civil, administrative cases, cases of administrative offenses, enforcement proceedings, and other materials, as well as to information systems and resources of law enforcement and other state bodies and organizations in compliance with the requirements for the protection of personal data and other secrets protected by law in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

12) apply technical means of fixation in the course of supervisory activities in compliance with the requirements established by the legislation of the Republic of Kazakhstan;

13) give instructions on the issues of pre-trial investigation, operational-search activities, and covert investigative actions, mandatory for the heads and employees of the bodies carrying out pre-trial investigation, operational-search activities, and covert investigative actions;

14) check the legality of the delivery, and detention of persons on suspicion of committing criminal offenses, persons who have committed administrative offenses, as well as the procedure and conditions for the detention of persons in custody or other restriction of freedom;

15) check the legality of acts, cancel illegal decisions of the administration of institutions of the penitentiary system that affect the legal status of persons held in custody, serving sentences in places of deprivation of liberty;

16) consider the acts of bodies of the penitentiary system on the transfer of convicts to another institution in accordance with the penitentiary legislation of the Republic of Kazakhstan;

17) consider the petitions of the investigating bodies on the choice of a measure of restraint in respect of suspected persons in accordance with the criminal procedure legislation of the Republic of Kazakhstan;

18) submit a petition to a superior court for the revision of a judicial act that has not entered into force;

19) file a petition for bringing a protest against judicial acts that have entered into legal force to a superior prosecutor in cases when the protest is beyond his/her competence;

20) initiate the conduct of operational-search measures by the bodies carrying out operational-search activities when exercising supervision;

21) request and receive cases of covert investigative actions, operational records, materials, documents, departmental regulatory legal acts, and other necessary information, with the exception of information about the identity of confidential assistants and full-time covert employees when exercising supervision;

22) authorize the conduct of operational-search and counter-intelligence measures, conduct checks on the legality of the implementation of special operational-search measures, including on the communication network in cases established by the laws of the Republic of Kazakhstan;

23) when exercising supervision, involve specialists from the prosecution bodies and other specialists using special technical means in order to identify and suppress violations of the law in the course of carrying out operational-search activities in accordance with the legislation of the Republic of Kazakhstan on operational-search activities;

24) demand from the heads of the bodies, carrying out operational-search activities, to conduct inspections in the bodies subordinate to them in order to eliminate violations of the law;

25) initiate and terminate proceedings in the case of an administrative offense;

26) check the legality of the issuance and enforcement of executive documents;

27) coordinate and carry out activities on international legal cooperation in order to recover assets;

28) execute international treaties on the extradition of persons, provision of mutual legal assistance in criminal matters, recovery of assets, transfer of convicts or persons with mental disorders (diseases), as well as legal acts related to them, coordinate draft international treaties in the criminal law relating to the competence of the prosecutor's office;

29) represent the interests of the state in the competent authorities of foreign states and international organizations on issues of criminal prosecution, recovery of assets, foreign and international courts (arbitrations) on issues within the competence of the prosecutor's office;

30) exercise other rights provided for by this Constitutional Law and other laws of the Republic of Kazakhstan.

2. The prosecutor shall be obliged to:

1) comply with the Constitution of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan;

2) protect the rights and freedoms of a man and a citizen, legally protected interests of legal entities, society, and the state with the adoption of measures to eliminate violations of legality;

3) prevent actions (inaction) and the adoption of acts of the prosecutor's office that create unreasonable obstacles to the realization of human and civil rights and freedoms, the legitimate interests of legal entities, society, and the state;

4) ensure the safety of documents, data, and other information obtained in the course of their activities, in compliance with the requirements of the legislation of the Republic of Kazakhstan on state secrets and other secrets protected by law;

5) carry out a pre-trial investigation in cases and in the manner provided for by the criminal procedure legislation of the Republic of Kazakhstan;

6) consider petitions for disagreement with judicial acts that have entered into force in the manner prescribed by the procedural legislation of the Republic of Kazakhstan;

7) check compliance with legality when receiving and registering applications and reports on criminal offenses;

8) stop illegal operational search activities and covert investigative actions;

9) immediately release persons illegally detained and located in the premises of law enforcement and special state bodies and other places that restrict their personal freedom, guardhouses, institutions executing coercive measures, special institutions, and institutions of the penitentiary system;

10) cancel illegal resolutions and decisions of persons carrying out pre-trial investigation, and operational search activities;

11) perform other duties provided for by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 10 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (enforcement, see Art. 2).

Article 11. State legal statistics and special records department of the prosecutor's office

Footnote. The heading of Article 11 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

1. State legal statistics and special records department of the Prosecutor's Office, within the competence of the Prosecutor General's Office, shall carry out:

1) formation of state legal statistics and maintenance of special accounts;

2) supervision over the integrity, objectivity, reliability, and sufficiency of information from state legal statistics and special accounts submitted by the subjects of legal statistics and special accounts, as well as determining the methodology for collecting, registering, processing, accumulating, compiling and storing information in this area;

3) introduction of information and communication technologies in the processes of investigation of criminal cases, proceedings on cases of administrative offenses, registration and accounting of forms of state control and supervision provided for by the laws of the Republic of Kazakhstan;

4) other functions and powers provided for by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

2. The structure of the state legal statistics and special records department of the prosecutor's office, its territorial and equivalent bodies shall be approved by the Prosecutor General.

3. The legal basis and principles for the implementation of state legal statistics, maintenance of special accounts, and supervision in this area shall be determined by this Constitutional Law and other legislation of the Republic of Kazakhstan.

Footnote. Article 11 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 11-1. Asset recovery department of the Prosecutor's Office

1. The asset recovery department of the prosecutor's office on behalf and in the interests of the state shall conduct activities for the assets recovery, including international legal cooperation, in accordance with this Constitutional Law and the legislation of the Republic of Kazakhstan on the return of illegally acquired assets to the state.

2. Verification of legality of the sources of acquisition (origin) of an asset, conducted by the prosecutor's office asset recovery department, shall be made by decision of its head pursuant to the Law of the Republic of Kazakhstan "On the return of illegally acquired assets to the state".

3. The Prosecutor General shall approve the structure of the asset recovery department.

4. The legal framework and principles of the asset recovery activities shall be determined by this Constitutional Law and other legislation of the Republic of Kazakhstan.

Footnote. The law is supplemented with Article 11-1 pursuant to the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 12. Academy of law enforcement bodies under the General Prosecutor's Office

The Academy of law enforcement bodies under the General Prosecutor's Office shall be an organization for the education of the prosecutor's office and carry out:

1) organization and conduct of initial training for persons entering the service of law enforcement bodies of the Republic of Kazakhstan for the first time, with the exception of employees of internal affairs and civil protection bodies;

2) professional training, retraining, advanced training, and professional level of law enforcement officers, including those in the Presidential reserve of the leadership of law enforcement bodies of the Republic of Kazakhstan;

3) coordination and conduct of interdepartmental scientific research in the field of law enforcement;

4) implementation of postgraduate education programs;

5) interaction with foreign and international organizations on the issues of retraining and advanced training of law enforcement officers, conducting scientific research, and exchanging experience in the field of law enforcement;

6) other types of activities provided for by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 13. Bodies of the military prosecutor's office

1. The bodies of the military prosecutor's office, in compliance with the limits and forms of supervision provided for by this Constitutional Law, shall carry out supervision over legality in the activities of:

1) the Armed Forces of the Republic of Kazakhstan, other troops and military formations;
2) other state bodies, institutions, and organizations in the field of defense and military security of the state.

2. Other competence of the bodies of the military prosecutor's office shall be determined by this Constitutional Law, the laws of the Republic of Kazakhstan, and acts of the President of the Republic of Kazakhstan.

Article 14. Bodies of the transport prosecutor's office

1. The bodies of the transport prosecutor's office, in compliance with the limits and forms of supervision provided for by this Constitutional Law, shall carry out supervision over legality in the activities of the state, local representative and executive bodies, local governments, institutions, their officials, other organizations in the field of transport, as well as in regarding transport facilities and transport infrastructure.

2. Other competence of the bodies of the transport prosecutor's office shall be determined by this Constitutional Law, the laws of the Republic of Kazakhstan, and acts of the President of the Republic of Kazakhstan.

Article 15. Regional and equivalent prosecutors and prosecutor's offices (prosecutor's offices of cities of republican significance and the capital)

1. Prosecutor's offices of regions and equivalent prosecutor's offices (prosecutor's offices of cities of republican significance and the capital) shall be headed by the respective prosecutors.

2. Prosecutors of regions and prosecutors equated to them (prosecutors of cities of republican significance and the capital) shall:

1) manage the activities of regional and equivalent prosecutor's offices (prosecutor's offices of cities of republican significance and the capital);

2) issue orders, and instructions obligatory for all subordinate prosecutors and other employees;

3) form a collegium of the prosecutor's office, determine the rules of procedure for its work and the status of members of the collegium;

4) head the relevant coordinating councils for ensuring the legality, law and order, and combating crime;

5) exercise other powers provided for by this Constitutional Law, other laws of the Republic of Kazakhstan, and acts of the President of the Republic of Kazakhstan.

Article 16. District and other equivalent (city, inter-district, as well as specialized) prosecutors and prosecutor's offices

1. District and equivalent to them (city, inter-district, as well as specialized) prosecutor's offices shall be headed by the relevant prosecutors appointed by the Prosecutor General.

2. District and equivalent (city, inter-district, as well as specialized) prosecutors shall:

1) manage the activities of district and equivalent (city, inter-district, as well as specialized) prosecutor's offices;

2) issue orders obligatory for all subordinate prosecutors and other employees;

3) exercise other powers provided for by this Constitutional Law, other laws of the Republic of Kazakhstan, and acts of the President of the Republic of Kazakhstan.

Chapter 3. LIMITS AND FORMS OF SUPREME SUPERVISION. REPRESENTATION OF INTERESTS OF THE STATE IN THE COURT. CRIMINAL PROSECUTION. CONSIDERATION OF APPEALS. LEGAL GUARANTEES OF THE ACTIVITIES OF THE PROSECUTOR

Article 17. Limits and forms of supreme supervision

1. Supreme supervision on behalf of the Republic of Kazakhstan shall be carried out by checking compliance with the legality, analyzing the state of law, and assessing the acts that have entered into force.

2. The procedure for appointing and conducting an audit of compliance with the legality, analysis of the state of law, and assessment of acts that have entered into force shall be determined by this Constitutional Law, the laws of the Republic of Kazakhstan, and the acts of the Prosecutor General.

3. Supreme supervision in the areas of counterintelligence activities, ensuring the security of protected persons and objects shall be carried out taking into account the specifics of the legislation of the Republic of Kazakhstan on counterintelligence activities and the legislation of the Republic of Kazakhstan on the issues of ensuring the security of protected persons and objects.

Article 18. Check of compliance with the legality

1. Check of compliance with the legality shall be appointed on:

1) on the instruction of the President of the Republic of Kazakhstan;

2) on the instruction of the Prosecutor General;

3) the grounds provided in paragraph 2 of this Article.

2. Decisions of the Deputies Prosecutor General, heads of military and transport prosecutor's offices, regional prosecutors and equivalent prosecutors (of cities of republican

significance and the capital), district and equivalent (city, inter-district, as well as specialized) prosecutors on the appointment and conduct of check of compliance with the legality shall be adopted to protect the rights, freedoms and legitimate interests of:

- 1) persons who, due to physiological characteristics, mental disorders, and other circumstances, cannot independently protect themselves;
- 2) minors;
- 3) an unlimited range of persons;
- 4) individuals, society, and the state, if it is necessary to prevent irreversible consequences for the life, health of people or security of the Republic of Kazakhstan;
- 5) private business entities on the facts of interference in their activities by state, local representative and executive bodies, local governments, and their officials.

Check of compliance with the legality in relation to private business entities shall be carried out on behalf of the President of the Republic of Kazakhstan, the Prosecutor General, or in agreement with them.

3. Verification of legality, conducted by the state legal statistics and special records department, shall be conducted by decision of the heads of the department and its territorial and equated bodies within the limits established by this Constitutional Law and other laws of the Republic of Kazakhstan.

4. A resolution shall be issued on the check of compliance with the legality, which shall be registered with the State body for legal statistics and special accounts.

Check of compliance with the legality shall be carried out within no more than thirty working days.

If it is necessary to request additional materials, as well as due to the significant volume of checks of compliance with the legality, the period for its conduct in exceptional cases may be extended by no more than thirty working days.

Check of compliance with the legality may be suspended in cases of appointment of an expertise, as well as if it is necessary to obtain information and documents from foreign states - until they are received, as well as in other cases that impede the conduct of the check.

The calculation of the period for conducting a suspended check of compliance with the legality continues from the day it is resumed.

The procedure for registration of resolutions on the appointment of the check of compliance with the legality and the terms of its conduct does not apply to the checks conducted within the framework of the criminal procedure legislation of the Republic of Kazakhstan, the penitentiary legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on enforcement proceedings and the status of bailiffs, the legislation of the Republic of Kazakhstan on administrative offenses, the legislation of the Republic of Kazakhstan in the areas of operational-investigative and counterintelligence activities.

5. When carrying out the check of compliance with the legality, the prosecutor shall not have the right to:

1) demand the provision of documents, and information, if they do not relate to the subject of the check of compliance with the legality;

2) exceed the established deadlines for the check of compliance with the legality;

3) interfere with the normal functioning of the audited subjects, except for cases that pose a threat to legality and public order, socio-economic stability in the region, the constitutional order and national security of the Republic of Kazakhstan, as well as threatening the occurrence of irreversible consequences for the life and health of people.

6. The provisions of this article do not apply to verification of the legality of the sources of acquisition (origin) of an asset, conducted by the prosecutor's office asset recovery department, in accordance with the legislation of the Republic of Kazakhstan on the return of illegally acquired assets to the state.

Footnote. Article 18 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (enforcement, see Art. 2).

Article 19. Rights and obligations of the audited subjects

1. Audited subjects or their authorized representatives, when the prosecutors check compliance with the legality shall have the right:

1) not to allow persons who arrived to conduct the check of compliance with the legality to the facility in the following cases:

non-submission of a decision on the appointment of a check of compliance with the legality of the audited subject;

carrying out the check of compliance with the legality without registration with the state body for legal statistics and special accounts, when such registration is required;

expiration of the terms specified in paragraph 4 of Article 18 of this Constitutional Law;

conducting the check of compliance with the legality by persons not specified in the decision on the appointment of the check of compliance with the legality;

absence of a document confirming permission to access state secrets, when it is provided for by the legislation of the Republic of Kazakhstan;

2) not to submit information and documents:

not related to the subject of the ongoing check of compliance with the legality or the period specified in the decision on the appointment of the check of compliance with the legality;

containing state secrets or other secrets protected by law in the absence of an appropriate permit or document giving the right to familiarize with such information and documents;

3) appeal against the decision on the appointment of the check of compliance with the legality, as well as actions (inaction) of officials of the prosecutor's office in the manner prescribed by the laws of the Republic of Kazakhstan.

2. Audited subjects or their authorized representatives, when conducting the check of compliance with the legality by prosecutors shall be obliged to:

1) ensure unhindered access of officials of the prosecutor's office bodies to the territory and premises of the subject being audited.

Access of officials of the prosecutor's office bodies to the territory and premises of high security facilities shall be provided taking into account the requirements for access and intra-object regimes established in the organization being audited;

2) submit documents (information) on paper and electronic media or their copies to the officials of the prosecutor's office for inclusion in the certificate of the results of the check of compliance with the legality in compliance with the requirements for the protection of state secrets or other secrets protected by law;

3) familiarize themselves with and receive against signature, a decision on the appointment of the check of compliance with the legality and a certificate of its results;

4) provide the necessary conditions for persons carrying out the check of compliance with the legality in accordance with the requirements for safety and labor protection.

Article 20. Analysis of the state of legality

Analysis of the state of legality shall be carried out without visiting the subjects (objects) by prosecutors by studying statistical data, information from state and international organizations, the media, materials of civil and criminal cases, cases of administrative offenses, as well as other sources of information.

The results of the analysis of the state of legality shall be issued in the form of a certificate . Based on the results of the analysis of the state of legality, measures of prosecutorial supervision or response shall be taken in accordance with this Constitutional Law.

The prosecutor shall have the right to demand information, documents, and other materials related to the analysis of the state of legality from the state, local representative and executive bodies, local self-government bodies, and other organizations, regardless of the form of ownership.

Article 21. Assessment of acts that have entered into force

1. The prosecutor's office shall conduct an assessment of acts that have entered into force by studying:

1) acts and decisions of the Government of the Republic of Kazakhstan, other state, local representative and executive bodies, local governments, institutions, entities of the quasi-public sector, and their officials;

2) acts and decisions of other organizations, regardless of the form of ownership, if these acts and decisions concern persons who, due to physiological characteristics, mental disorders , and other circumstances, cannot independently protect their rights, minors, as well as an unlimited range of persons, or are of public nature;

3) sentences, decisions, resolutions, and other acts of the court (judge), as well as criminal , civil, administrative cases, and cases of administrative offenses.

2. The assessment of judicial acts that have entered into legal force shall be carried out in the manner prescribed by the criminal procedural legislation of the Republic of Kazakhstan,

the civil procedural legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on administrative offenses, the legislation of the Republic of Kazakhstan on administrative proceedings.

Article 22. Representation of the interests of the state in court

1. Bodies of the prosecutor's office shall represent the interests of the state in court on the basis and in the manner provided for by the criminal procedural legislation of the Republic of Kazakhstan, the civil procedural legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on administrative offenses, the legislation of the Republic of Kazakhstan on administrative proceedings.

2. Bodies of the prosecutor's office shall have the right to apply to the court with a claim (application) if it is required by the protection of rights of a person and a citizen who cannot independently protect themselves, as well as to protect the interests of society or the state protected by the laws of the Republic of Kazakhstan.

3. The grounds and procedure for filing a petition for review of judicial acts that have not entered into force shall be determined by the criminal procedure legislation of the Republic of Kazakhstan, the civil procedural legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on administrative offenses, the legislation of the Republic of Kazakhstan on administrative proceedings.

Article 23. Criminal prosecution

The Prosecutor's Office, on behalf of the state, shall carry out criminal prosecution in accordance with the criminal, criminal procedure legislation of the Republic of Kazakhstan.

Article 24. Consideration of appeals

1. Bodies of the prosecutor's office shall consider appeals:

1) to protect and restore the rights and legitimate interests of a person and a citizen, if they, due to physiological characteristics, mental abnormalities, and other circumstances, cannot independently protect their rights, minors, as well as an unlimited range of persons;

2) to protect and restore the rights and legitimate interests of a person and a citizen, society, or the state if the protection of these interests is not properly ensured by an authorized body whose competence includes the relevant powers, or in the absence of such a body;

3) to protect and restore the rights and legitimate interests of private business entities in case of interference in their activities by state, local representative and executive bodies, local governments, institutions, their officials, and other organizations, regardless of ownership;

4) in order to prevent a threat to the constitutional order and national security of the Republic of Kazakhstan;

5) on the facts of violations of the law, the non-elimination of which entails harm to human life and health;

6) on instructions of the President of the Republic of Kazakhstan;

7) on instructions of the Prosecutor General.

2. The state legal statistics and special records department of the prosecutor's office and its territorial and equivalent bodies shall examine complaints within the competence established by Article 11 of this Constitutional Law and other laws of the Republic of Kazakhstan.

3. The term for consideration of the appeal is fifteen working days from the date of its receipt by the prosecutor's office unless otherwise provided by the laws of the Republic of Kazakhstan.

4. In cases when it is necessary to establish factual circumstances that are important for the correct resolution of the appeal, as well as obtaining information from other state bodies, institutions, and organizations, regardless of ownership, the period for considering the appeal shall be extended by a reasoned decision of the head of the prosecutor's office or his/her deputy for a reasonable period, but not more than two months.

In the case of an appointment of check of compliance with the legality on an appeal, the terms for consideration shall be determined taking into account the time it takes to conduct it. An interim response shall be sent to the applicant. The final answer shall be reported to the applicant based on the results of the check within ten working days after its completion.

5. The applicant shall be informed about the extension of the term for consideration of an appeal within three working days from the date of the term extension.

6. Anonymous appeals to the prosecutor's office bodies shall not be subject to consideration, except in cases when such an appeal contains information about upcoming or committed criminal offenses or about a threat to national, including public security.

7. The response to the appeal must be justified and motivated in terms of content with reference to the legislation of the Republic of Kazakhstan in the state language or the language of the appeal with an explanation to the applicant of his right to file a complaint against the decision.

8. Consideration of appeals shall be terminated if no new arguments or newly discovered circumstances are given in repeated appeals, and the applicant was given answers in accordance with the materials of the previous appeal.

9. The requirements of this article do not apply to complaints, the procedure for consideration of which is established by the criminal procedural legislation of the Republic of Kazakhstan, the civil procedural legislation of the Republic of Kazakhstan, the criminal executive legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on administrative infractions, the legislation of the Republic of Kazakhstan in counterintelligence and operational search activities, the legislation of the Republic of Kazakhstan on the return to the state of illegally acquired assets.

Footnote. Article 24 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 25. Pre-trial settlement of complaints against decisions, acts of the prosecutor's office, and actions (inaction) of officials of the prosecutor's office

1. A complaint against decisions, acts of the prosecutor's office, or actions (inaction) of a prosecutor shall be filed with the bodies of the prosecutor's office no later than three months from the day when the person became aware of the adoption of a decision, act or commission of an action (inaction), and is considered by a superior prosecutor.

The term for consideration of the complaint is twenty working days.

If for a good reason, the deadline for appeal is missed, the deadline, at the request of the person who filed the complaint, may be restored by the prosecutor's office considering the complaint, unless otherwise provided by the laws of the Republic of Kazakhstan.

2. The results of consideration of the complaint in the pre-trial procedure shall be the basis for appealing the decision, act, and action (inaction) of the prosecutor to the court in the manner prescribed by the Administrative Procedure and Procedure Code of the Republic of Kazakhstan.

3. The requirements of paragraph 1 of this Article do not apply to complaints, the procedure for consideration of which is established by the criminal procedural legislation of the Republic of Kazakhstan, the civil procedural legislation of the Republic of Kazakhstan, the criminal executive legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on administrative offenses, the legislation of the Republic of Kazakhstan in the areas of counterintelligence and operational-search activity.

4. The requirements of this article do not apply to complaints filed in accordance with the Law of the Republic of Kazakhstan “On the return of illegally acquired assets to the state”.

Footnote. Article 25 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 26. Legal guarantees for the activities of the prosecutor

1. Influence in any form on the prosecutor in order to prevent him/her from exercising his/her powers or making an illegal decision by him/her shall entail liability established by the laws of the Republic of Kazakhstan.

2. The requirements and requests of the prosecutor in the framework of the ongoing check of compliance with the legality, analysis of the state of legality, assessment of acts that have entered into force, appeals under consideration, and the exercise of their other powers shall be mandatory for execution by individuals and legal entities, including state bodies, institutions, organizations, regardless of forms of ownership, their officials.

3. On the issues of the ongoing check of compliance with the legality, analysis of the state of legality, assessment of acts that have entered into force, and appeals under consideration, state, local representative and executive bodies, local governments, institutions, their officials, other organizations, regardless of ownership, shall be obliged upon request of the prosecutor to provide the necessary information, documents, and other materials within the period

established by the prosecutor, but not less than three working days, in compliance with the requirements established by the laws of the Republic of Kazakhstan for the disclosure of state secrets, information constituting commercial, banking and other secrets protected by law.

The prosecutor shall bear the responsibility established by the laws of the Republic of Kazakhstan for the disclosure of state secrets, information constituting commercial, banking, and other secrets protected by law.

4. In order to prevent irreversible consequences for human life, health, legitimate interests of private businesses, the interests of society and the state, mass violations of legality and legal order, threats to the socio-economic stability of the region or the security of the Republic of Kazakhstan, the requested information, documents, and other materials shall be provided immediately.

5. At the request of the prosecutor, bodies, organizations, and officials shall be obliged to allocate specialists to participate in the audits and issue an opinion.

6. The prosecutor shall not give any explanations on the merits of the materials, acts, court cases, and appeals in his/her proceedings. Submission of materials to anyone for review shall be carried out only in cases provided for by the legislation of the Republic of Kazakhstan.

No one has the right to disclose the materials of the check of compliance with the legality and cases without the permission of the prosecutor in whose proceedings they are.

7. As part of the ongoing check of compliance with the legality, assessment of acts that have entered into force, appeals under consideration, at the request of the prosecutor at the time set by him/her, individuals and officials, as well as other representatives of the state, local representative and executive bodies, local governments, institutions, their official persons, other organizations, regardless of the form of ownership, must appear to give explanations.

8. Summons to the prosecutor's office shall be made within a period sufficient for timely appearance, except in cases of emergency situations of a social nature, crisis situations, or circumstances unavoidable under the given conditions, by sending a notification (notice).

9. Notification (notice) shall be sent by telephone, text message to the subscriber's mobile phone number or e-mail address, telegram or registered mail with notification of its delivery, or using other means of communication that ensure the fixation of the notice or call.

10. The summoned person shall be obliged to notify the summoning prosecutor in advance about the reasons preventing the appearance on the summons at the appointed time.

11. In case of absence without valid reasons, individuals and officials, as well as other representatives of state bodies, institutions and organizations, regardless of their form of ownership, may be delivered (delivered by force) on a reasoned decision of the Prosecutor General, his deputies, heads of the prosecutor's office asset recovery department, the prosecutor's office state legal statistics and special records department and its territorial and

equated bodies, military and transport prosecutors bodies, prosecutors of oblasts and prosecutors equated to them (cities of republican scale and the capital), their deputies, district and equated to them (urban, interdistrict, as well as specialized) prosecutors, their deputies.

12. The decision of the prosecutor on the drive (forced delivery) shall be executed by the internal affairs body.

13. The drive (forced delivery) cannot be performed at night.

14. Minors under the age of fourteen years old and persons under the age of eighteen without notifying their legal representative, pregnant women, as well as persons who, due to health reasons, cannot or should not leave their place of stay, that must be certified by a doctor shall not be subjected to delivery.

15. Failure to comply with the legal requirements of the prosecutor or failure to appear at the request of the prosecutor without good reason shall entail liability, provided for by the laws of the Republic of Kazakhstan.

Footnote. Article 26 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 27. Responsibility of the prosecutor's office bodies

1. Prosecutors, when carrying out their activities shall bear responsibility, established by the laws of the Republic of Kazakhstan.

2. Damage caused by the actions of prosecutors and other employees shall be compensated in the manner prescribed by the legislation of the Republic of Kazakhstan.

Chapter 4. ACTIVITIES OF THE PROSECUTOR'S OFFICE FOR COORDINATION AND INTERACTION. COLLEGIUMS IN THE PROSECUTOR'S OFFICE. PARTICIPATION IN RULE-MAKING ACTIVITIES

Article 28. Coordination of activities to ensure the rule of law, the rule of law and the fight against crime

1. Coordination of the activities of law enforcement and other state bodies to ensure the legality, law enforcement, and combating crime shall be carried out by the prosecutor's office in order to ensure the interaction of these bodies, the mutual exchange of information, and the consistency of their actions in the implementation of common tasks. This activity shall be carried out by the prosecutor's office within the framework of permanent coordinating councils formed under the General Prosecutor's Office, the main military and transport prosecutor's offices, the regional prosecutor's offices, and equivalent prosecutor's offices (prosecutor's offices of cities of republican significance and the capital).

2. Decisions of the coordinating councils shall be implemented by state bodies-participants through the issuance of joint, departmental legal acts and (or) the implementation of relevant measures.

3. Regulations on the Coordinating Council of the Republic of Kazakhstan for ensuring the legality, legal order, and combating crime shall be approved by the President of the Republic of Kazakhstan.

Article 29. Interaction of the prosecutor's office in the protection and restoration of violated rights and freedoms of a man and a citizen

1. In order to protect and restore the violated rights and freedoms of a man and a citizen, the interests of legal entities, society and the state protected by the laws of the Republic of Kazakhstan, the prosecutor's office interacts:

1) with state, local representative and executive bodies, local governments, institutions, their officials, subjects of the quasi-public sector, and other organizations, regardless of the form of ownership;

2) with the Human Rights Ombudsman in the Republic of Kazakhstan and provides assistance to his/her activities.

2. Interaction of the prosecutor's office with the competent authorities of foreign states and international organizations shall be carried out within the framework of criminal law cooperation, also within the framework of representing the interests of the state on the assets recovery, including outside the criminal process.

Footnote. Article 29 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 30. Collegiums in the bodies of the prosecutor's office

1. Collegiums shall be formed in the bodies of the prosecutor's office.

2. The rules of work of the collegium, and its members shall be determined by the first heads of the prosecutor's office.

3. The issues of activities of the prosecutor's office bodies, as well as other issues related to the identified violations of the law, requiring, at the discretion of the Prosecutor General, the first heads of the prosecutor's office bodies, collective consideration with the participation of interested persons shall be considered at the meetings of the collegium.

4. Decisions of the collegium shall be taken by a majority vote of the total number of its members and shall be obligatory for subordinate prosecutors and other employees.

Article 31. Participation in rule-making activities

In order to ensure the legality, the prosecutor's office bodies shall:

1) make proposals to the authorized and other state bodies on improving the legislation of the Republic of Kazakhstan within their competence;

2) coordinate draft regulatory legal acts affecting the competence and functions of the prosecutor's office;

3) perform other functions in rule-making activities, provided for by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Chapter 5. ACTS OF THE PROSECUTOR'S OFFICE

Article 32. The system of acts of the prosecutor's office

1. The system of acts of the prosecutor's office consists of:

- 1) acts of prosecutorial supervision: protest, sanction, instruction, presentation, resolution;
- 2) acts of prosecutorial response: petition, statement (claim), appeal, explanation on the inadmissibility of violations of the laws of the Republic of Kazakhstan;
- 3) acts regulating the issues of organization and activities of the prosecutor's office bodies : orders, resolutions, regulations, instructions, and others.

2. Acts of prosecutorial supervision and response shall be introduced based on the results of the check of compliance with the legality, analysis of the state of legality, assessment of acts that have entered into force, consideration of the appeal and performance of other functions provided for by this Constitutional Law, the laws of the Republic of Kazakhstan, and shall be mandatory for consideration, execution by the bodies, organizations, and officials to whom they are addressed.

3. Failure to consider, as well as improper consideration, non-execution of acts of the prosecutor's office or failure to comply with the legal requirements of the prosecutor shall entail liability established by the laws of the Republic of Kazakhstan.

4. After the introduction of acts of prosecutorial supervision and response, the time limits for bringing to justice the persons who committed violations shall be suspended until a decision is made on this act in the manner determined by the laws of the Republic of Kazakhstan.

Article 33. Protest

1. The Prosecutor shall bring a protest against acts that have entered into force, decisions and actions (inaction) of state bodies, institutions, organizations, officials, and other authorized persons that contradict the Constitution of the Republic of Kazakhstan, the laws of the Republic of Kazakhstan, international treaties ratified by the Republic of Kazakhstan, and acts of the President of the Republic of Kazakhstan.

2. A protest shall be brought to a state body, institution, organization, official, or another authorized person who has adopted an illegal act, or decision, or to a superior body or a superior official. Illegal actions (inaction) of a state body, institution, organization, official, or another authorized person shall be protested in the same manner.

3. The prosecutor's protest shall be subject to consideration by the relevant body or official within ten calendar days.

The prosecutor shall have the right to establish a different term for consideration of the protest, due to the need to prepare and adopt a decision on it, but not less than three working days.

The results of the consideration of the protest shall be immediately reported to the prosecutor in writing. A protest before its consideration may be withdrawn by the prosecutor who brought it or by a superior prosecutor.

The body or official shall be obliged to notify the prosecutor of the time and place of consideration of the protest.

4. In a protest, the prosecutor demands the cancellation of an illegal act or bringing it into line with the Constitution of the Republic of Kazakhstan, the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan, and international treaties ratified by the Republic of Kazakhstan, regulatory legal acts, as well as the termination of the illegal action (inaction) of an official and restoration of the violated right.

5. Until a decision is made on the protest, the Prosecutor General, Deputies of the Prosecutor General, heads of military and transport prosecutor's offices, regional and equivalent prosecutors (prosecutors of cities of republican significance and the capital), district and equivalent (city, interdistrict, as well as specialized) prosecutors shall have the right to suspend the execution of the protested act or action.

6. Legislative acts of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan, the Administration of the President of the Republic of Kazakhstan, the Constitutional Court of the Republic of Kazakhstan, the Supreme Audit Chamber (based on the results of audits) shall not be subject to appeal by prosecutors.

7. The grounds, procedure, and terms for bringing protests against judicial acts that have entered into legal force, as well as suspension of their execution, shall be determined by the criminal procedural legislation of the Republic of Kazakhstan, the civil procedural legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on administrative offenses and the legislation of the Republic of Kazakhstan on administrative proceedings.

Article 34. Sanction (consent)

1. The prosecutor, in the cases established by law, shall give a sanction (consent) to the commission of certain actions of a right-restrictive nature, the receipt of information containing a secret protected by law.

2. A sanction (consent) or a refusal to give it shall be drawn up by the prosecutor with a resolution and a signature on the decision of an official after studying the materials on the basis of which the sanction (consent) is requested.

In case of refusal to give a sanction (consent), its reasons and grounds shall be indicated.

3. The sanction (consent) to the actions specified in this Article, with the exception of operational search, counterintelligence activities, and covert investigative actions related to obtaining information containing a secret protected by law, can also be certified by means of an electronic digital signature in accordance with the legislation of the Republic of Kazakhstan on electronic document and electronic digital signature.

Article 35. Instruction

1. The prosecutor shall give written instructions on the following issues:
 - 1) pre-trial investigation;
 - 2) operational-search activities and undercover investigative actions;
 - 3) conducting an additional check on the case of an administrative offense;
 - 4) enforcement proceedings;
 - 5) execution of punishments;
 - 6) audits carried out at the request of the prosecutor's office;
 - 7) state legal statistics and special accounts;
 - 8) on other issues established by the laws of the Republic of Kazakhstan.

2. Instructions of the prosecutor, given within the limits of his/her competence shall be obligatory for execution.

Article 36. Submission

1. The prosecutor, within the limits of his/her competence shall make a submission:

- 1) on the elimination of violations of the law;
- 2) on the elimination of causes and conditions conducive to the commission of criminal and other offenses;
- 3) in other cases established by the laws of the Republic of Kazakhstan.

2. The submission shall be subject to consideration with the adoption of measures to eliminate the violations of legality specified in it by an official or body within thirty calendar days, and in cases of irreversible consequences may occur for the life and health of a person and citizen, the security of the state, within the time limit established by the prosecutor.

The prosecutor shall have the right to participate in the consideration of the submission. The prosecutor must be notified of the time and place of consideration of the submission by the state body or official no later than three working days before the day of consideration of the submission.

The results of the consideration of the submission and the measures taken shall be reported to the prosecutor's office within three working days from the date of consideration of the submission.

Article 37. Resolution

1. The prosecutor shall issue a resolution:

- 1) in cases provided for by the criminal procedure legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on administrative offenses;
- 2) on initiation of disciplinary proceedings;
- 3) on carrying out operational-search measures;
- 4) on the termination of operational-search measures and covert investigative actions;
- 5) on suspension of the act;
- 6) on conducting a check of compliance with the legality;
- 7) on the abolition of actions and measures of a prohibitive or restrictive nature, unreasonably carried out by the state, local representative and executive bodies, local

governments, organizations, subjects of the quasi-public sector, as well as their officials and other persons;

8) on the abolition of disciplinary sanctions and incentives imposed by the bodies of the penitentiary system in relation to persons held in custody, serving sentences in places of deprivation of liberty, as well as those accountable to probation services;

9) on suspension of an act or action of an official and another person for a period not exceeding three working days;

10) on the abolition of illegal acts of bailiffs;

11) on compulsory execution of the act of prosecutorial supervision;

12) in other cases provided for by the laws of the Republic of Kazakhstan.

2. The resolution of the prosecutor shall be subject to mandatory execution within the time limits established by it. An appeal against a resolution does not suspend its operation.

Article 38. Petition

A petition for review of judicial acts that have not entered into force shall be submitted by the prosecutor in the manner established by the criminal procedure legislation of the Republic of Kazakhstan, the civil procedural legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on administrative offenses and the legislation of the Republic of Kazakhstan on administrative proceedings.

Article 39. Application (claim)

1. The prosecutor shall have the right to file an application (claim) with the court in the manner and on the grounds established by the laws of the Republic of Kazakhstan.

2. When rejecting acts of prosecutorial supervision or leaving them without consideration, the prosecutor shall apply to the court for the recognition of acts, decisions, and actions (inaction) of bodies and officials as illegal.

Article 40. Appeal

The Prosecutor General and his/her deputies, heads of military and transport prosecutor's offices, regional prosecutors, and prosecutors equated to them (prosecutors of cities of republican significance and the capital), district and equated to them (city, interdistrict, as well as specialized) prosecutors shall have the right to address officials, state bodies, individuals and legal entities in order to ensure the legality and public safety, prevent offenses, as well as protect the rights and freedoms of a man and a citizen.

The appeal shall be distributed using the media or in any other public way.

Article 41. Explanation of the inadmissibility of violations of the law

In order to prevent offenses, ensure public safety, and protect the rights and freedoms of a man and a citizen, or if there is information about unlawful acts being prepared, the prosecutor shall explain in writing or orally to individuals and representatives of legal entities about the inadmissibility of violations of the laws of the Republic of Kazakhstan and warn them about the responsibility established by the laws of the Republic of Kazakhstan.

Article 42. Publication of acts of the prosecutor's office

1. Regulatory legal acts of the Prosecutor General concerning the rights, freedoms, and obligations of citizens shall be subject to official publication in compliance with the requirements of the legislation of the Republic of Kazakhstan on the protection of state secrets and other secrets protected by law.

2. In order to ensure the publicity of their activities, prosecutor's offices may publish in the mass media the acts of the Prosecutor's office on illegal actions (inaction) and decisions of bodies and officials that violate constitutional and other legally protected human and civil rights, interests of legal entities and the state, in compliance with the requirements of the legislation of the Republic of Kazakhstan on the protection of state secrets and other secrets protected by law.

Article 43. Appeal against actions (inaction) and acts of the prosecutor

1. Actions (inaction) and acts of a prosecutor may be appealed to a superior prosecutor or to the court in the cases and in the manner established by this Constitutional Law and other laws of the Republic of Kazakhstan.

2. An appeal against the acts and actions of the prosecutor does not suspend their execution.

The court or a superior prosecutor, until a decision is made on a complaint against the acts of the prosecutor or his/her actions shall have the right to suspend their execution.

3. A superior prosecutor, upon a complaint from individuals and (or) legal entities, or on his/her own initiative, may cancel, revoke, suspend or amend the acts of an inferior prosecutor.

4. Appeal against decisions, actions (inaction) and acts of the prosecutor's office asset recovery department and its officials shall be conducted in accordance with the Law of the Republic of Kazakhstan "On the return of illegally acquired assets to the state".

Footnote. Article 43 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 6. PERSONNEL OF PROSECUTOR'S OFFICE BODIES AND THEIR LEGAL STATUS

Article 44. The members of the personnel of the prosecutor's office

1. The personnel of the bodies of the prosecutor's office is prosecutors and other employees.

2. A prosecutor is a citizen of the Republic of Kazakhstan, serving in the system of prosecutor's office bodies, who has been assigned a class rank or military rank of an officer.

3. Other employees include administrative civil servants, private and non-commissioned servicemen, and civil servants.

4. The list of positions in the system of bodies of the prosecutor's office, which are assigned class ranks or military ranks, as well as the corresponding limiting class ranks or military ranks shall be approved by the President of the Republic of Kazakhstan.

5. Prosecutors serve in accordance with the legislation of the Republic of Kazakhstan on law enforcement service with the features provided for by this Constitutional Law.

6. Prosecutors of the bodies of the military prosecutor's office, military personnel, and non-commissioned officers serve in accordance with the legislation of the Republic of Kazakhstan on military service and the status of military personnel with the features provided for by this Constitutional Law, have the status and enjoy the rights and benefits established for military personnel of the Armed Forces of the Republic of Kazakhstan.

7. Administrative civil servants of the prosecutor's office shall carry out activities in accordance with the legislation of the Republic of Kazakhstan on public service.

8. The prosecutors liable for military service are on a special registration in the bodies of the prosecutor's office.

Article 45. Financial support of the prosecutor's office bodies

1. Financial support of the system of prosecutor's office bodies shall be carried out at the expense of budgetary funds.

2. Bodies of the prosecutor's office may have appropriate accounts with the treasury bodies.

3. The financial support of the prosecutor's office asset recovery department shall be funded through the budget, as well as the Special State Fund, determined by the legislation of the Republic of Kazakhstan on the return of illegally acquired assets to the state.

Footnote. Article 45 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 46. Material and social support of prosecutors and other employees

1. The remuneration of labor of prosecutors and other employees shall be established on the basis of a unified system of remuneration of labor of employees of bodies maintained at the expense of the budget, approved in the manner established by subparagraph 9-1) of Article 66 of the Constitution of the Republic of Kazakhstan.

2. Pension provision of prosecutors, payment of state social benefits for disability, and in case of loss of a breadwinner shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

3. Pensioners of the prosecutor's office, dismissed from the prosecutor's office with the right to receive pension payments for the length of service, as well as prosecutors who were injured (wounded, injured, contused) in the line of duty and recognized as unfit for service shall have the right to wear uniforms on ceremonies and official receptions.

Article 47. Service badges and seal

1. The Prosecutor General, the Deputy Prosecutor General, the heads of departments of the prosecution authorities shall be issued service certificates of the established form by the Administration of the President of the Republic of Kazakhstan.

2. The Prosecutor General and the heads of the prosecutor's offices shall issue service certificates of the established form to subordinate prosecutors.

3. Service certificate is a document confirming the identity of the prosecutor, his/her class rank or military rank, position, and the right to carry and store firearms and other weapons.

4. Bodies of the prosecutor's office have seals with the image of the State Emblem of the Republic of Kazakhstan and their name in the state and other languages.

Footnote. Article 47 as amended by the Constitutional Law of the Republic of Kazakhstan dated 12.07.2023 No. 22-VIII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 7. FINAL PROVISIONS

Article 48. Procedure for the entry into force of this Constitutional Law

1. This Constitutional Law shall enter into force ten calendar days after the day of its first official publication, with the exception of subparagraph 16) of Article 9, which shall enter into force on January 1, 2023.

2. To suspend until January 1, 2023, the operation of subparagraph 3) of paragraph 1 of Article 11 of this Constitutional Law, having established that during the suspension period this subparagraph shall be valid in the following wording:

3) the introduction of information and communication technologies in the processes of investigation of criminal cases, proceedings on cases of administrative offenses, registration, and accounting of forms of state control and supervision provided for by the laws of the Republic of Kazakhstan;"

3. To recognize as invalid the Law of the Republic of Kazakhstan dated June 30, 2017 "On the Prosecutor's Office".

President of the Republic of Kazakhstan

K. TOKAYEV